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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,873	06/11/2001	Yukiharu Matsumura	8547-000001	2640

27572 7590 08/26/2004

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EXAMINER

HAQ, NAEEM U

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/878,873

Applicant(s)

MATSUMURA, YUKIHARU

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/11/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. This claim makes only nominal use of technology and is therefore not within the technological arts. *The claimed invention must utilize technology in a non-trivial manner (Ex parte Bowman, 61 USPQ2d, 1665,1671 (Bd. Pat. App. & Inter. 2001))*. Although Bowman is not precedential, it has been cited for its analysis. The Examiner notes that although the claims do recite technology in the preamble (i.e. "electronic", "computer", and "computerized"), the preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In the present case, the limitations within the body of claims 6-8 do not depend on the preamble for completeness. For this reason, claims 6-8 are deemed to be non-statutory. To overcome this rejection, the Examiner recommends incorporating technological limitations into the body of the claim in a non-trivial manner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehring et al (US 6,609,115 B1) in view of Harrison "New payment service safeguards content."**

Referring to claims 1, 2, 6, and 7, Mehring teaches an electronic manual delivery system and method for delivering computerized manuals of products to the user terminals accessed through computer networks, comprising: a manual information delivering part for transmitting the manual information in said database to a user terminal in response to a request from said user terminals (Abstract; column 2, lines 13-42; column 14, lines 28-43). Mehring does not teach a manual registration part for registering the manual information in a database. However, Harrison teaches copyright protection for online content such as documents (page 1, paragraph 2). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Harrison into the system and method of Mehring. One of ordinary skill in the art would have been motivated to do so in order to protect online content from unauthorized copying as taught by Harrison. Finally, Mehring does not teach a manual information acquisition part for obtaining manual information related to contents of a manual from a supplier terminal. However, this limitation is inherent in

the teaching of Mehring because the manual must be supplied from some terminal in order to be entered into the database of Mehring.

**Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehring et al (US 6,609,115 B1) in view of Harrison "New payment service safeguards content" and further in view of Official Notice.**

Mehring and Harrison do not teach relating the manual information for each item to a symbol figure representing the corresponding items. However, Official Notice is taken that it is old and well known in the art to represent an item using a symbol figure (e.g. an icon). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the invention of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to provide the user with a user-friendly way of identifying an item.

**Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehring et al (US 6,609,115 B1) in view of Harrison "New payment service safeguards content" and further in view of Povilus (US 5,740,425).**

Mehring and Harrison do not teach a part for determining a level of a user in respect of product operation; and a part for selecting, based on the determined user levels, an item related to the manual information which is to be browsed at said user terminal from said level classified items. However, Povilus teaches presenting users with item information based on a user's classification (column 1, lines 38-67; column 7, line 39 – column 13, line 23). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of

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Povilus into the system and method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to provide customers with tailored information specific to a certain set users as taught by Povilus.

**Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehring et al (US 6,609,115 B1) in view of Harrison "New payment service safeguards content" and further in view of Official Notice and Povilus (US 5,740,425).**

Mehring and Harrison do not teach a part for determining a level of a user in respect of product operation; and a part for selecting, based on the determined user levels, an item related to the manual information which is to be browsed at said user terminal from said level classified items. However, Povilus teaches presenting users with item information based on a user's classification (column 1, lines 38-67; column 7, line 39 – column 13, line 23). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Povilus into the system and method of the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to provide customers with tailored information specific to a certain set users as taught by Povilus.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (703)-305-3930. The examiner can normally be reached on M-F 8:00am-5:00pm.

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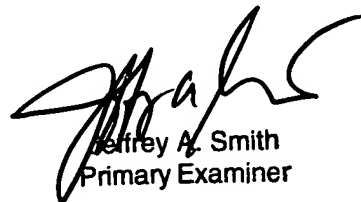
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (703)-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Naeem Haq**, Patent Examiner  
Art Unit 3625

August 23, 2004



Jeffrey A. Smith  
Primary Examiner